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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,489	03/08/2001	Isao Iwaguchi	1081.1111/JDH	2199

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,489

Applicant(s)

IWAGUCHI ET AL.

Examiner

James A. Reagan

Art Unit

3621

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 1 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the application filed on 08 March 2001.
2. Claims 1-17 have been examined.

### **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Drawings**

4. The drawings are objected to because of a spelling error. See Figure 1, item 3 (SCANNAR should read SCANNER). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### **Claim Objections**

5. Claims 1 and 9 are objected to because of the following informalities: The word "an" should be changed to "a". Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 recites the limitation "said product settlement information" in line 10. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 2 recites the limitation "said settlement device" in lines 20 and 23. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 3 recites the limitation "said transmission step" in line 1. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 4 recites the limitation "said transmission step" in line 7. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 5 recites the limitation "said transmission step" in line 13. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 6 recites the limitation "said transmission step" in line 21. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 7 recites the limitation "said transmission step" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 8 recites the limitation "said settlement step" in line 9. There is insufficient antecedent basis for this limitation in the claim.

### Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

16. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Smith et al. (US 6,487,540 B1).

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

#### Claims 1, 9, and 17:

With regard to the limitations of:

- *calculating goods settlement information from goods information for goods purchased by an user and for processing the settlement;*

- *sending goods purchase information, including said product settlement information, to a mobile terminal of said user, and storing the information in said mobile terminal to communicate with a processing device for said user;*
- *settlement means for calculating the goods settlement information from goods information for goods purchased by an user and for processing the settlement; communication means for sending goods purchase information, including said goods settlement information, to a mobile terminal of said user to communicate with a processing device for said user;*
- *means for reading bar codes found on goods;*
- *means for transferring said read bar codes to an automatic product settlement device;*
- *means for receiving goods purchase information from said automatic product settlement device;*
- *means for sending said received goods purchase information to a mobile information terminal.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 2 and 10:**

With regard to the limitations of:

- *reading the goods information for the goods purchased by said user using a reader on said settlement device;*
- *calculating the goods settlement information from said read goods information on a register terminal of said settlement device and processing the settlement.*
- *a reader for reading goods information for goods purchased by said user;*
- *a register terminal for calculating the goods settlement information from said read goods information and processing the settlement.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 3 and 11:**

With regard to the limitations of:

- sending said goods purchase information to said mobile terminal from said reader.
- said reader sends said goods purchase information to said mobile terminal.

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 4 and 12:**

With regard to the limitations of:

- said transmission step comprises a step for sending said goods purchase information to said mobile terminal from said register terminal;
- said register terminal sends said goods purchase information to said mobile terminal

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

**Claims 5-7 and 13-15:**

With regard to the limitations of:

- *transferring said goods settlement information to said mobile terminal in response to a prompt from means for prompting calculation of said goods settlement information in said settlement device.*
- *transferring said goods settlement information to said mobile terminal in response to a prompt from means for prompting transmission of said goods settlement information in said settlement device.*
- *transferring said goods settlement information to said mobile terminal in response to a prompt from means for prompting reception by said mobile terminal.*



- *said settlement device transfers said goods settlement information to said mobile terminal in response to a prompt from means of prompting calculation of said goods settlement information.*
- *said settlement device transfers said goods settlement information to said mobile terminal in response to a prompt from means of prompting transfer of said goods settlement information.*
- *said settlement device transfers said goods settlement information to said mobile terminal in response to a prompt from means of prompting reception by said mobile terminal.*

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51. The use of the Wireless Application Protocol (WAP) in this case reads on Applicants use of a prompt between units to signal transfer of data.

**Claims 8 and 16:**

With regard to the limitations of:

- receiving payment information from said mobile terminal and processing said settlement;
- said settlement device receives payment information from said mobile terminal and processes said settlement.

See at least Column 2, lines 11-20; column 3, lines 19-26, lines 31-36, lines 45-55; and column 5, lines 47-51.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451  
Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR  
22 April 2004

